

Safe Seniors

Newsletter for the Prevention of Elder Abuse in San Diego County

Consumer Protection Day Hundreds Learn How to Avoid Being a Victim of Scams



Above, an example of the more than 40 Consumer Protection Day exhibitors who shared information with participants. Left, Bob Grosnoff, an expert witness in investment fraud, was the keynote speaker. Also shown: Supervisor Pam Slater-Price and District Attorney Bonnie Dumanis. Below, exhibitor Sandy Lawrensen talks about Seniors Against Insurance Fraud (SAIF).

More than 1,200 seniors and others attended the recent Consumer Protection Day, hosted by Supervisor Pam Slater-Price and District Attorney Bonnie Dumanis.

"This is the best example of what government should be for its citizens that I've seen in a long time," wrote one participant on the evaluation form. The exhibitors were from federal, state and local government offices, plus nonprofit groups that focus on consumer protection issues. There was also an afternoon panel of consumer protection experts that discussed charity scams, provided tips on hiring caregivers, plus answered a variety of audience questions.

"My husband and I appreciated this program. We never thought we had all these wonderful agencies



available at our fingertips," wrote another participant. "Please continue to educate the public about what is out there."

There was also a media panel moderated by Channel 10's Fred Blankenship. Participants included Marti Emerald from Channel 10, Bob Hansen from 7/39, George Chamberlin from KOGO radio. The reporters

(CONSUMER -- Continued on Page 2)

Elder Justice Act Re-introduced

The Elder Justice Act has been re-introduced in both the House and Senate. The bill was authored in the Senate by Sen. Orrin Hatch (R-UT) and co-authored by Sen. Blanche Lincoln (D-AR) with original co-sponsors Sen. Herb Kohl (D-WI) and Sen. Gordon Smith (R-OR). On the House side, the bill was authored by Rep. Rahm Emanuel (D-IL) and co-authored by Rep. Peter King (R-NY).

The purpose of the act (S. 1070 and H.R. 1783) has been to produce a stronger and more coordinated federal response to promote elder justice through increased support and funding to our states and local communities.

From the outset, one of the primary features of the Elder Justice Act was to provide a dedicated funding stream for Adult Protective Services (APS) nationwide. The Elder Justice Act would be to the states' APS programs what federal law is to states' child protective services programs by providing funding for victim services, technical assistance and a federal focus on APS. APS workers are the front line responders to cases of abuse against elders and other vulnerable adults. The act would ensure that the Health and Human Services Secretary provides federal coordination, technical assistance and support for APS.

(JUSTICE -- Continued on Page 3)

**The Elder Abuse
Reporting Line:
1-800-510-2020**

Can't Be Too Cautious When It Comes to Loans

**By Carolyn Reilly, Esq., Director
Elder Law & Advocacy**

Now in his late 70's and retired, Mr. Smith (not his real name) read an advertisement in the newspaper touting the benefits of a reverse mortgage, saying it would allow him to safely make use of the healthy equity in his home to make some much-needed repairs. He called the company in the ad. This was the beginning of serious financial trouble for Mr. Smith.

Many of our community's hard-working seniors have saved for years to afford their homes. Although

reverse mortgages can be good mechanisms to tap into the equity of a home and there are honest salespeople offering this product, there are also unscrupulous lenders who take advantage of people exploring this option. Predatory lenders/brokers and investment agents use a variety of ways to scam seniors:

- Financial predators often ask victims to sign forms with blanks, giving the victim a technical, plausible explanation for the need to sign a blank form;
- The terms on the initial

application form are different from the final documents signed, with changes to critical terms and conditions;

- The victim's monthly income is falsified to qualify for the substituted loan;
- Legally required disclosures are omitted, incomplete or incorrect;
- The numbers of months to pay back the loan are shortened to match the substituted loan;
- The interest rate from the initially promised low rate is changed to a much higher rate;
- The first few years of the substituted loan is changed to an interest-only payment;

➤ An annuity product is hidden somewhere in the documents, or may be obtained separately. For example, the financial abusers may contact the victim around the time he/she receives a check, stating that that escrow was 'short' due to an error. They may then instruct the victim to send another sum, often tens of thousands of dollars, out of the loan proceeds, to cover the shortfall. These funds may be used to purchase annuity products from which the financial abusers receive commissions, costs and fees.

Unfortunately, the result of these scenarios are predictable. In Mr. Smith's case, he was unable to keep up with his loan payments. The lender's representatives have been calling him incessantly with threats that he must either refinance (with them), or face foreclosure.

Individuals who find themselves in situations similar to Mr. Smith should seek the advice an attorney as soon as possible. If you're being pressured to sign something, don't. If you're the least bit confused about an aspect of a loan, take your time. Share it with a trusted friend or family member or bring it in to Elder Law & Advocacy

Elder Law & Advocacy, a nonprofit corporation, provides no-cost routine legal services to seniors and relative caregivers of seniors. Call (858) 565-1392 for an appointment with an attorney.



Mark Woods (left) and Joe Benoit from Union Bank, and Heather Hebert (right) from San Diego County Credit Union, with District Attorney Bonnie Dumanis.

(CONSUMER -- Continued from Page 1) showed clips of recent scams they've covered.

This year, Pam Smith, director of the County's Aging & Independence Services, presented awards to Union Bank (represented by Joe Benoit and Mark Woods) and to Heather Hebert with San Diego County Credit Union for their pioneering efforts in fighting financial elder abuse. Employees from banks and credit unions are now mandated reporters of financial elder abuse.

"This (Consumer Protection Day) is a great service for seniors. We

cannot be too well informed," said one participant. "It is so important. People younger than 50 should also be encouraged to attend a conference like this one."



The Identity Theft Resource Center donated paper shredders given out in prize drawings.

Elder Abuse Measures in State Legislature

Members of the California Legislature have introduced several elder abuse bills and related measures. Here's a brief summary. For more: www.sandiego.networkofcare.org/aging and click the "Legislate" button.

AB 267 (Calderon): Requires an insurance agent or insurer, when making a recommendation to a senior consumer for the purpose or exchange of an annuity to have reasonable grounds for believing that the recommendation is suitable for the senior based on the facts disclosed by the senior relating to his or her financial situation and needs. Requires insurers to establish a system to supervise compliance with the placement of annuities to senior consumers.

AB 378 (Benoit): Provides that a caretaker of an older or dependant adult who commits a second or subsequent theft, embezzlement, forgery, fraud, or identity theft with respect to the property of an older and dependent adult, regardless of the value of the loss, would be subject to punishment by a fine, imprisonment or both. Current law specifies the loss would need to exceed \$400.

AB 853 (Jones): Enacts the Home Care Services Act of 2007. Provides for licensure and regulation of home care organizations. Requires a home care organization to inform a client of advance directive policy and provide a written notice to the client of certain rights. The bill would require a home care organization to conduct background clearances on home care aides, and to require them to demonstrate they are free of active tuberculosis. The bill would also require a home care organization to conduct regular evaluations of its aides, and to ensure that aides demonstrate basic competency in certain areas. The bill would establish the Home Care Organization Fund, would authorize the state Department of Social Services to impose various fees to be deposited in that fund, and would



make a continuous appropriation to carry out the provisions of the bill.

AB 978 (Benoit): Increases the minimum number of licensed community care facilities and licensed residential care facilities for the elderly from 20 percent to 30 percent that would be subject to an annual unannounced visit by the Department of Social Services.

SB 183 (Corbett): Provides that after the death of an elder or dependent adult, the right to maintain a civil action for relief arising out of the abduction or abuse of an elderly or dependent adult shall pass to an intestate heir whose interest may be affected by the action or to the decedent's successor in interest subject to specified conditions.

SB 489 (Steinberg): This bill would impose various requirements on a provider with respect to the closure of a continuing care retirement community facility, or a portion thereof, including providing 120 days written notice to the State Department of Social Services, and affected residents or legal guardians of these residents of the intended date of closure of a facility. The bill would require a provider, no less than 90 days prior to the closure of a continuing care retirement community facility, to provide the department with a written closure and relocation plan for the facility, containing specified information. The bill would require the depart-

ment to monitor the implementation of the closure and relocation plan to ensure full compliance by the provider, and would prohibit a provider from taking any action to displace a resident until the department has reviewed and approved the plan.

SB 573 (Scott): Requires the life insurance agent or insurer, when making a recommendation to a senior consumer for the purchase or exchange of an annuity to have reasonable grounds for believing that the recommendation is suitable for the senior based on the facts disclosed by the senior relating to his or her financial situation and needs. Provides that before the purchase or exchange of an annuity, the life insurance agent shall make reasonable efforts to obtain information to assist in making recommendations to the senior consumer.

(JUSTICE -- Continued from Page 1)

This Elder Justice Act includes a provision requiring immediate reporting to law enforcement of crimes in a long-term care facility. Nursing home residents will also receive better protection because the bill provides for a national institute to improve training of surveyors in investigating abuse, neglect and misappropriation of property, plus needed resources to improve how states handle complaints.

The Senate Special Committee on Aging indicates that less than 2 percent of all federal funds spent on abuse prevention go to elder abuse. Last year, Congress enacted a two-year study on how to implement a data-collection process for elder abuse. This study needs to be funded and completed for us to expect to make a better case for more resources and for us to understand and more effectively respond to the problem of elder abuse.

The Elder Justice Coalition is working on getting this act passed. For more information, call (202) 682-4140 or email elderjustice@verizon.net.



Safe Seniors is published quarterly
by the County of San Diego's
District Attorney's Office and
Aging & Independence Services
9335 Hazard Way,
San Diego, CA 92123
Editor: Denise G. Nelesen, LCSW
Phone: (858) 505-6474
Fax: (858) 495-5080

Elder Abuse Prosecutions

District Attorney's Office

Mary Madeline Schafer: Pled guilty to felony assault after hitting and kicking both her mother and 70-year-old grandmother. Defendant was sentenced to 240 days of local custody, plus three years probation.

Douglas Airey: Pled guilty to felony car jacking of a 77-year-old victim, who suffered lacerations and a broken finger. Defendant was sentenced to nine years in prison.

Peter Roy Jeffrey Ferruli: Pled guilty to felony grand theft from his 69-year-old, bedridden father. Defendant also threatened to kill his father and the father's dog. Defendant was sentenced to two years in prison.

Niki Harvey: Pled guilty to felony burglary of an 84-year-old woman with Alzheimer's disease. The victim's daughter had hired the defendant to care for her mother. The defendant stole and cashed two of the victim's checks, plus stole two rifles and some artwork from the victim's home. Defendant was sentenced to 16 months in prison.

Martin Dozal and Diego Cuadras: Pled guilty to felony willful cruelty to an elder after getting into a fight with a 70-year-old man at a bar. The victim suffered cuts and bruises to his face. Both defendants were sentenced to two years in prison.

William Semonchuk: Pled guilty to willful cruelty to an elder and resisting an officer, after getting into an argument with his 81-year-old mother and fighting with her physically. During the arrest, the defendant kicked out one of the windows of the police car, and spit on the officers. Defendant was sentenced to 2 years in prison.

SD City Attorney's Office

Larry Hadley: Convicted of battery after a jury trial. This is one of the more outrageous cases to date, according to Deputy City Attorney James Queenan. The defendant, who lived with his 70-year-old mother in her home, got annoyed with his mother, spanking her violently. She was so sore from being spanked that she had trouble sitting for three days. His sentencing is set for late April.

Apollonio Sebring: Pled guilty to misdemeanor elder abuse after forcibly dragging his elderly mother and father into the garage and locking them inside. Defendant said he thought the devil was in his house. Both of his parents were 69 at the time of the incident. He was sentenced to 180 days custody with the sentence suspended on the condition that he attend a 26-week elder abuse class and violate no laws for three years.